

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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YAJAIRA ROSARIO,

Plaintiff,

-against-

20 **CIVIL** 5831 (LJL)

REVISED JUDGMENT

FRESH SMOOTHIES LLC, FRESH FRUTII LLC,
ROBINSON CAPELLAN, and JOHN FRANCIS
RIVERA,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated December 9, 2021, and the Court's Amended Memorandum and Order dated August 1, 2022, the motion to amend the judgment is GRANTED. The caption has substituted "Robinson Capellan" in place of "Robinson Capello" and the judgment is revised containing the correct name for Defendant Robinson Capellan. The Court concludes that Plaintiff is entitled to relief on her claims under the NYLL for back wages and payroll-notice and wage-statement violations; under the IRC for filing of a false information return; and for attorneys' fees and costs. Fresh Frutii and Fresh Smoothies, as part of a corporate combine, shall be jointly liable for the amounts set forth. Judgment is entered reflecting the Court's holding and setting forth Plaintiff's damages as follows: \$22,033.75 in back wages under the NYLL, with 9% prejudgment interest accruing from July 23, 2018, the midpoint of Plaintiff's employment with Defendants, until the date of judgment, in the amount of \$6,709.73. \$22,033.75 in liquidated damages. \$5,000 for Defendants' violation of NYLL § 195(1); \$5,000 for Defendants' violation of NYLL § 195(3); and \$5,000 for Defendants' violation of 26 U.S.C. § 7434. Post-judgment

interest on the above sums pursuant to 28 U.S.C. § 1961. Plus, attorneys' fees in the amount of \$7,312.50 and costs in the amount of \$782.00; accordingly, the case is closed.

Dated: New York, New York

August 2, 2022

RUBY J. KRAJICK

BY:

Clerk of Court

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Deputy Clerk